

1 BILL NO. S- 76-04-43

2 SPECIAL ORDINANCE NO. S- 97-76

3 AN ORDINANCE authorizing the issuance and sale of \$210,000 Economic  
4 Development Revenue Bonds (Hoosier Terminal Company Project) of  
5 the City of Fort Wayne, Indiana, for the purpose of acquiring  
6 real estate, machinery, equipment and related property  
7 comprising economic development facilities for use by  
8 Hoosier Terminal Company, authorizing the execution  
9 of the Loan Agreement, providing for the pledge of  
10 revenues for the payment of said bonds, authorizing  
11 a mortgage and indenture of trust appropriate for  
12 the protection and disposition of such revenues;  
13 and authorizing the sale of said bond.

14 WHEREAS, the Fort Wayne Development Commission has developed and filed  
15 with the Plan Commission of the County of Allen a "Report of Fort Wayne Develop-  
16 ment Commission Regarding Facilities to be Purchased by Hoosier Terminal Com-  
17 pany" and the City Clerk has presented the same to the Common Council; and

18 WHEREAS, the Allen County Plan Commission has filed its written  
19 comments concerning said proposed plan and approving the same; and

20 WHEREAS, it is in the best interest of the City of Fort Wayne and the  
21 economic development thereof, that said Report be approved and that the acquisi-  
22 tion and construction of the industrial facilities mentioned in said report be  
23 implemented; and

24 WHEREAS, the Common Council of the City of Fort Wayne has heretofore  
25 passed special ordinance S-137-75 on July 22, 1975, authorizing the issuance  
26 and sale of \$500,000 Economic Development Revenue Bonds for the Hoosier Terminal  
27 Company Project; and

28 WHEREAS, the increased construction costs and the addition of a  
29 loading dock require additional financing in the amount of \$210,000; and

30 WHEREAS, the Fort Wayne Development Commission adopted a resolution  
31 on , 1976, approving the financing of said industrial facilities as  
32 described in said Report to be financed by the loan to Hoosier Terminal Company  
33 of proceeds from the issue and sale of revenue bonds to the City of Fort Wayne,  
34 and approving a Loan Agreement, Mortgage and Indenture of Trust, and finding  
35 that the proposed financing complies with the purposes and provisions of I.C.  
1971, 18-6-4.6; and

WHEREAS, said Resolution was presented to the City Clerk for presenta-  
tion to the Common Council of the City of Fort Wayne and was so presented.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF  
FORT WAYNE, INDIANA:

SECTION 1. The above mentioned Report of the Fort Wayne Development  
Commission together with the comments thereon by the Allen County Plan Commis-  
sion be accepted and ordered filed.

SECTION 2. That the Common Council of the City of Fort Wayne gives  
its approval of the project reported on in the above-mentioned Report of the  
Fort Wayne Development Commission.

SECTION 3. The financing of industrial facilities by the issuance and  
sale of revenue bonds of the City of Fort Wayne and the loan of the proceeds  
thereof to Hoosier Terminal Company for the purpose of acquiring and construc-  
ting the industrial facilities referred to in the Loan Agreement, as previously  
approved by the Fort Wayne Development Commission and presented to the Common  
Council will be of benefit to the health and welfare of the City of Fort Wayne.

APPROVED AS TO FORM  
AND LEGALITY,

  
CITY ATTORNEY

SECTION 4. The form of the Loan Agreement and the Indenture of Trust approved by the Fort Wayne Development Commission are hereby approved and such documents collectively shall be considered the "Financing Agreements" referred to in I.C. 1971, 18-6-4.5. Such documents shall be incorporated herein by reference and shall be inserted in the minutes of the Common Council and kept on file by the City Clerk.

SECTION 5. The City of Fort Wayne shall issue its Economic Development Revenue Bond (Hoosier Terminal Company Project) in the total principal amount of Two Hundred Ten Thousand Dollars (\$210,000.00) for the purpose of acquiring funds to loan to Hoosier Terminal Company so that it may acquire and construct the project (all as more particularly set out in the Loan Agreement and Indenture of Trust) which bond will be payable as to principal, premium, if any, and interest primarily from payments by Hoosier Terminal Company on its Note or Notes made to the Trustee pursuant to the Loan Agreement and from other sources as provided in the Loan Agreement or as otherwise provided in the above described Indenture of Trust. The Bond and the interest thereon shall never constitute a charge against the general credit or taxing power of the City.

SECTION 6. The City Clerk is authorized and directed to negotiate the sale of such bond at a rate of interest not to exceed \_\_\_\_\_ per annum at par. In such negotiations the City Clerk may consult with the Mayor, City Attorney, and officers or representatives of Hoosier Terminal Company.

SECTION 7. The Mayor and City Clerk are authorized and directed to execute the documents approved herein on behalf of the City of Fort Wayne and any other document which may be necessary or desirable to complete the transaction including the bond authorized herein. The signatures of the Mayor and City Clerk on the bond and coupons may be facsimile signatures. The City Clerk of the City of Fort Wayne is authorized to arrange for delivery of such bond to the purchasers thereof, payment for which shall be made to the trustees named in the Indenture of Trust.

SECTION 8. The provisions of this Ordinance and the Indenture of Trust securing the bond shall constitute a contract binding between the City of Fort Wayne and the holders of the Economic Development Revenue Bond (Hoosier Terminal Company Project), and after the issuance of said bond, this Ordinance shall not be repealed or amended in any respect which would adversely affect the rights of such holders so long as any of said bond or the interest thereon remain unpaid.

SECTION 9. This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

  
\_\_\_\_\_  
Councilman

Read the first time in full and on motion by V. Schmidt seconded by Shoja, and duly adopted; read the second time by title and referred to the Committee on Finance (and the City Plan Commission for recommendation) and Public Hearing to be held after due local notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on the \_\_\_\_\_ day of \_\_\_\_\_, 197\_\_\_\_, at \_\_\_\_\_ o'clock P.M., E.S.T.

Date: 4-27-76 Charles W. Westerman  
CITY CLERK

Read the third time in full and on motion by V. Schmidt seconded by Shoja, and duly adopted, placed on its passage. Passed (~~lost~~) by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT	TO-VOTE
TOTAL VOTES	<u>9</u>	<u>0</u>			
BURNS	✓				
HINCA	✓				
HUNTER	✓				
MOSES	✓				
MUCKOLS	✓				
SCHMIDT, D.	✓				
SCHMIDT, V.	✓				
STIER	✓				
TALARICO	✓				

DATE: 5/11/76 Charles W. Westerman  
CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (Zoning Map) (~~General~~) (Annexation) (Special) (~~Appropriation~~) Ordinance (Resolution) 4-27-76 on the 11th day of May, 1976.  
(SEAL)

Charles W. Westerman  
CITY CLERK  
James Stier  
PRESIDENT OFFICER

Presented by \_\_\_\_\_ Mayor of the City of Fort Wayne, Indiana, on the 12th day of May, 1976, at the hour of 11:00 o'clock \_\_\_\_\_ H., E.S.T.

Approved and signed by me this 13th day of May, 1976, at the hour of 6:00 o'clock \_\_\_\_\_ H., E.S.T.  
Robert E. Armstrong  
CITY CLERK

Bill No. S-76-04-43

REPORT OF THE COMMITTEE ON FINANCE

We, your Committee on Finance to whom was referred an Ordinance  
authorizing the issuance and sale of \$210,000 Economic Development Revenue Bonds  
(Hoosier Terminal Company Project) of the City of Fort Wayne, Indiana, for the  
purpose of acquiring real estate, machinery, equipment and related property  
comprising economic development facilities for use by Hoosier Terminal Company,  
authorizing the execution of the Loan Agreement, providing for the pledge of  
revenues for the payment of said bonds, authorizing a mortgage and indenture of  
trust appropriate for the protection and disposition of such revenues; and  
authorizing the sale of said bond.

have had said Ordinance under consideration and beg leave to report back to the Common  
Council that said Ordinance As PASS.

Vivian G. Schmidt - Chairman

William T. Hinga - Vice-Chairman

Winfield C. Moses, Jr.

John Nuckols

Samuel J. Talarico

*Vivian G. Schmidt*  
*William T. Hinga*  
*Winfield C. Moses Jr.*  
*John Nuckols*  
*Samuel J. Talarico*

5/11/76 CONCURRED IN  
DATE 5/11/76 CHARLES W. WESTERMAN CITY CLERK

DIGEST SHEETTITLE OF ORDINANCE SPECIALS-76-04-43DEPARTMENT REQUESTING ORDINANCE ECONOMIC DEVELOPMENT COMMISSIONSYNOPSIS OF ORDINANCE Authorizing the issuance and sale of \$210,000 Economic  
Development Revenue Bonds (Hoosier Terminal Company Project) for the purpose

of acquiring real estate, machinery, equipment and related property comprising  
economic developmeht facilities for use by Hoosier Terminal Company, authorizing  
the execution of the Loan Agreement, providing for the pledge of revenues for the  
payment of said bonds, authorizing a mortgage and indenture of trust appropriate  
for the protection and disposition of such revenues; and authorizing the sale  
of said bond.

EFFECT OF PASSAGE Enable Hoosier Terminal Company to complete constructionEFFECT OF NON-PASSAGE Facilities will not be constructedMONEY INVOLVED (DIRECT COSTS, EXPENDITURES, SAVINGS) No cost to cityASSIGNED TO COMMITTEE (PRESIDENT) Finance J.H.